

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADR/JB, Corp.,

Plaintiff,

-against-

MCY III, Inc. d/b/a Motor Life Distributors,

Defendant.
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ORDER

03-CV-2499 (DLI)(ETB)

DORA L. IRIZARRY, U.S. District Judge:

It appearing that no timely objections have been filed to the Report and Recommendation of the Honorable Thomas E. Boyle, U.S.M.J., dated July 28, 2005;¹ and

Upon consideration, the Report and Recommendation is hereby adopted in full. Accordingly, it is hereby

ORDERED that this action is dismissed; and it is further

¹ Objections to the Report and Recommendation, which recommended dismissal of this case under Fed. R. Civ. P. 41(b) “based on the abandonment of this action and based on the failure to comply with the orders of the court,” were due by August 11, 2005. As described in Magistrate Judge Boyle’s Report and Recommendation, plaintiff failed to respond to two orders for a status report: one dated January 24, 2005, requiring a response by June 30, 2005, and one dated July 8, 2005, requiring a response by July 22, 2005. The parties had been informed of the Magistrate’s orders both by Electronic Case Filing (ECF) and fax.

The only response received following these orders was a letter from plaintiff dated July 8, 2005—not filed via ECF, as required by Administrative Order No. 2004-08, *In Re: Electronic Case Filing*, (E.D.N.Y. Aug. 2, 2004) and this court’s individual rules—which was rejected by this court on August 13, 2005. Plaintiff did not file this letter via ECF until August 15, 2005. On August 15, 2005—after objections to the Report and Recommendation were due—the plaintiff also filed a letter objecting to the Report and Recommendation. This letter is not considered by the court because it was not timely filed.

ORDERED that service of a copy of this Order shall be made by the Clerk of this Court by forwarding a copy hereof to all parties. The Clerk of the Court is further directed to close this case.

DATED: Brooklyn, New York
August 30, 2005

/s/

DORA L. IRIZARRY
United States District Judge